

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for December 8, 2004 PLANNING COMMISSION MEETING

P.A.S.: Co Special Permit #04059

PROPOSAL: A special permit for commercial storage and sale of farm chemicals.

LOCATION: Northwest corner of N. 56th (Hwy 77) and Mill Road.

WAIVER REQUEST: NA

LAND AREA: A 5.50 acre portion of a 79.15 acre parcel, more or less.

CONCLUSION: In conformance with the Comprehensive Plan and County Zoning.

<u>RECOMMENDATION:</u>

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: A 5.50 acre portion of Lot 20 I.T., located in the SE 1/4 of Section 5 T11N, R7E of the 6th P.M., Lancaster County, Nebraska. See attached metes and bounds description.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Farm dwelling with outbuildings, former private airstrip (Warbonnet).

SURROUNDING LAND USE AND ZONING:

North: Farm land	zoned AG Agriculture
South: Farm house and Farm land	zoned AG Agriculture
East: Farm land	zoned AG Agriculture
West: Farm house and Farm land	zoned AG Agriculture

ASSOCIATED APPLICATIONS: None

HISTORY: Changed from AA Rural and Public Use to AG Agriculture in the 1979 zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS: The 2025 Plan shows this as Agriculture.

This is in the Lincoln Growth Tier III, beyond the 50 year growth.

UTILITIES: private well and waste disposal.

TOPOGRAPHY: Generally flat, sloping to the southwest.

TRAFFIC ANALYSIS: N. 56th Street/Hwy 77 is a 4 lane divided Federal Highway. Mill Road is a gravel county road.

PUBLIC SERVICE: This is in the Raymond Rural Fire District, Waverly School District #145 and Norris Public Power District.

REGIONAL ISSUES: NA

ENVIRONMENTAL CONCERNS: There are no identified Historic resources. There is no FEMA floodplain shown. The 1850's Mormon Road may have crossed on or near this site. Proper handling of farm chemicals.

AESTHETIC CONSIDERATIONS: n/a

ALTERNATIVE USES: farming, continued use of the airstrip and up to four residences.

ANALYSIS:

1. This request is to use a 5.50 acre portion of the lot for the storage and sale of agricultural chemicals under the provisions of Article 13.001(24), and Article 4.007 j) "Storage or sale of fertilizer or toxic or flammable agricultural chemicals".
2. The applicant describes the proposal as follows;

A new 45' x 36' building, 1,600 square foot in area, including an office
Reuse of the existing "airstrip" buildings
3. There is ample land available for parking stalls and general loading and unloading. It is not anticipated that there would be any parking shortage on this five plus acre site.
4. All building code, health code and other federal, state and local requirements shall apply.
5. Health Department requests the use of secondary containment of liquid products and the installation of fire suppression equipment.

6. The County Engineer notes no objection to the use of the current access for this use.
7. The County Sheriff has been advised.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the County Board's agenda: (NOTE: These documents and plans are required by resolution/ordinance or design standards.)
 - 1.1 Revise the site plan to show AG setbacks
 - 1.2 Add a note that no structures or storage of chemicals will be allowed in the setback.
 - 1.3 Note the entrance shall be gated and locked.
2. This approval permits the sale and storage of agricultural chemicals.
3. All buildings shall meet Building, Fire and Life Safety Codes.
4. All applicable Health codes shall be met.
5. All applicable State and Local requirements shall be met.
6. The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

7. The following conditions are applicable to all requests:
 - 7.1 Before initiating this agricultural chemical storage and sales, all development and construction shall have been completed in compliance with the approved plans and all required Federal, State and local permits issued.
 - 7.2 Before initiating this agricultural chemical storage and sales, City-County Health Department shall have approved the water and waste water systems for this use.

- 7.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 7.4 The County Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov

DATE: November 18, 2004

APPLICANT: David Benes
2389 County Road 23
Valparaiso, NE 68065 - 8669
(402) 784-6901

OWNER: same

CONTACT: Trent Sidders
233 South 13th Street, Suite 1900
Lincoln, NE 68508
Tsidders@cline-law.com



County Special Permit #04059 N. 56th & Mill Rd.

2002 aerial

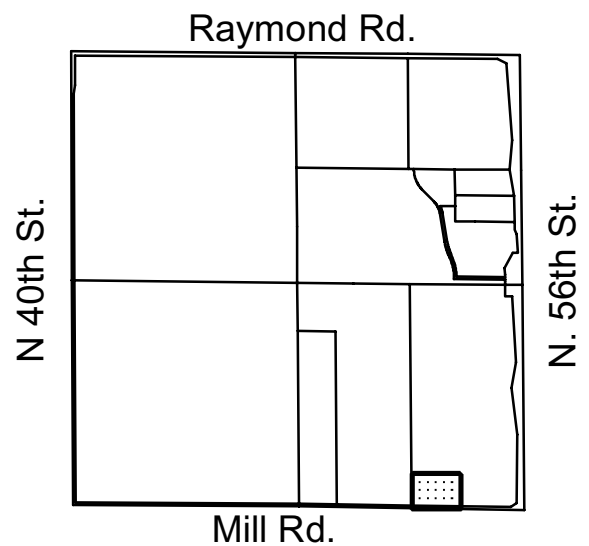
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 5 T11N R7E

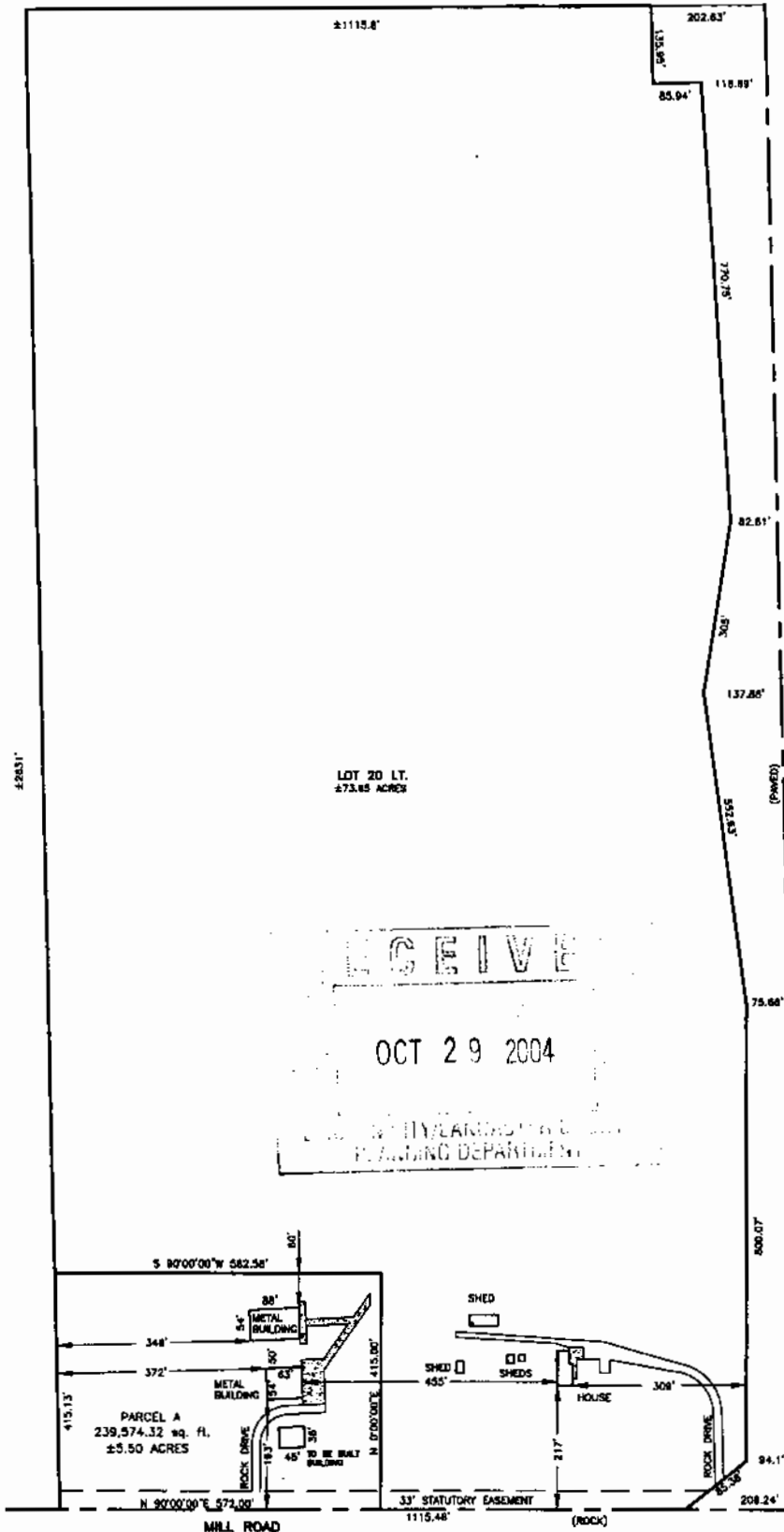


Zoning Jurisdiction Lines
City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.

AS BUILT SURVEY
LOT 20 LT. IN THE SE 1/4
SEC. 5, T 11 N, R 7 E
LANCASTER COUNTY, NEBRASKA



LEGAL DESCRIPTION
THAT PART OF LOT 20 IRREGULAR TRACT, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 11 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 20; THENCE EASTERLY ON THE SOUTH LINE OF SAID LOT 20, ON AN ASSIGNED BEARING OF N 80°00'00"E A DISTANCE OF 672.00'; THENCE NORTHERLY, N 0°00'00"E 418.00'; THENCE WESTERLY, S 80°00'00"E 582.58', MORE OR LESS, TO A POINT ON THE WEST LINE OF SAID LOT 20; THENCE SOUTHERLY ON SAID WEST A DISTANCE OF 418.12', TO THE POINT OF BEGINNING, SAID TRACT CONTAINING AN AREA OF 6.50 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE
I, THE UNDERSIGNED, A DULY REGISTERED LAND SURVEYOR IN AND FOR THE STATE OF NEBRASKA, DO HEREBY CERTIFY THAT I CAUSED A SURVEY TO BE MADE OF THE FOREGOING DESCRIBED PROPERTY, AND THAT THE RESULTS OF SAID SURVEY ARE TRULY AND ACCURATELY SET FORTH HEREON TO THE BEST OF MY KNOWLEDGE AND BELIEF.
IN TESTIMONY WHEREOF, I HAVE BY HAND AND SEAL THIS 14th DAY OF SEPTEMBER, 2004.
BILLY JOE KERR, L.S. #463

No. 56th STREET/HIGHWAY #77

SCALE 1" = 200'

LOCATION SKETCH
NOT TO SCALE

NW	NE
SW	SE

County Special Permit #04059
N. 56th & Mill Rd.

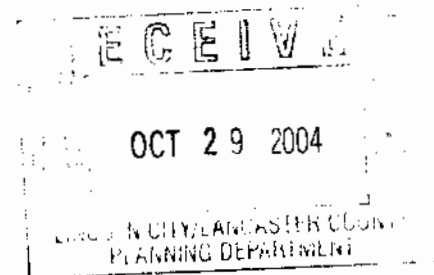
K & M INC.
LAND SURVEYING
540 W. INDUSTRIAL LAKE DR. #1
LINCOLN, NE 68528
(402) 478-3020
(402) 478-3138 FAX

Legal Description

That part of Lot 20 Irregular Tract, located in the Southeast Quarter of Section 5, Township 11 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Beginning at the Southwest Corner of said Lot 20; thence Easterly on the South Line of said Lot 20, on an assigned bearing of N 90°00'00"E a distance of 572.00'; thence Northerly, N 0°00'00"E 415.00'; thence Westerly, S 90°00'00"W 582.58', more or less, to a point on the West Line of said Lot 20; thence Southerly on said West a distance of 415.13', to the point of beginning, said tract containing an area of 5.50 acres, more or less.

**County Special Permit #04059
N. 56th & Mill Rd.**



LAW OFFICES OF
CLINE, WILLIAMS, WRIGHT, JOHNSON & OLDFATHER, L.L.P.

1900 U.S. BANK BUILDING
233 SOUTH 13TH STREET

LINCOLN, NEBRASKA 68508-2095

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www.clinewilliams.com

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CHARLES E. WRIGHT, COUNSEL
RICHARD P. JEFFRIES, COUNSEL

October 28, 2004

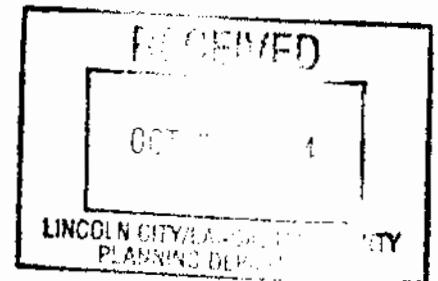
Mr. Marvin Krout
Director of Planning
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: Special Use Permit Application for David Benes
Our file: BED08-CB001

Dear Mr. Krout:

I represent David Benes and submit the enclosed documents necessary for an application to receive a Special Use Permit for a tract of land owned by Mr. Benes and located in Lancaster County. The tract in question is located on Mill Road and North 56th Street with a local address of 13605 North 56th Street. The documents enclosed include:

1. The completed application form signed by David Benes, the owner of the property;
2. A check made payable to Lancaster County in the amount of \$740.00, as indicated by the Lancaster Zoning and Subdivision fee schedule for a special permit for a parcel greater than one acre;
3. A site plan reflecting the real property owned by Mr. Benes and legally described as Lot 20, Irregular Tract located in the Southeast Quarter of Section 5, Township 11 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. The site plan shows the improvements on the approximately 73-acre parcel and includes a legal description for the portion of the property that the Special Use Permit application applies to;



OCT 29 2004

Mr. Marvin Krout
October 28, 2004
Page 2

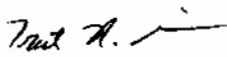
4. The Purpose Statement as required by the relevant Lancaster County procedures; and,
5. The legal description for the portion of the property that the Special Use Permit application applies to.

David Benes proposes to utilize the approximately 5.50 acres of the property identified on the site plan for the commercial storage or sale of agricultural chemicals. The property in question is located in the "AG" Agricultural District in Lancaster County. Pursuant to the provisions of Section 4.007j of Article 4 of the Lancaster County Zoning Regulations applicable in the AG district, Mr. Benes seeks a Special Use Permit to allow the commercial storage or sale of agricultural chemicals.

You will also note that on the site plan, there is an inclusion for a metal building to be built on the property in the event the Special Use Permit is received. Mr. Benes proposes to build a metal building to be utilized as an office area for the proposed use.

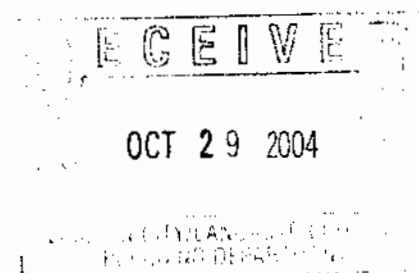
Should you have any questions with respect to the application or the materials submitted, please do not hesitate to contact me.

Sincerely,


Trent R. Sidders
For the Firm

Enclosure

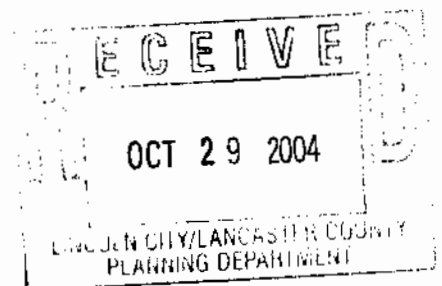
c: David Benes



**PURPOSE STATEMENT FOR
SPECIAL PERMIT FOR DAVID BENES**

David Benes owns Lot 20, Irregular Tract located in the Southeast Quarter of Section 5, Township 11 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. The property includes approximately 73.65 acres and Mr. Benes proposes to utilize an approximately 5.50 acre portion of the property as a facility for the commercial storage or sale of agricultural chemicals. The property is located in the "AG" Agricultural District. Pursuant to Section 4.007j of Article 4 of the Lancaster County Zoning Regulations, the proposed facility for the commercial storage or sale of agricultural chemicals is permitted as a special use.

In connection with this proposed use, Mr. Benes also proposes to build an approximately 1,620 square foot metal building that would serve as an office area.



**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb

DATE: November 12, 2004

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: EH File
EH Administration

SUBJECT: SP #04059
13605 N. 56th Street

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application with the following noted:

- The LLCHD recommends the use of secondary containment where liquid products will be stored and the installation of a fire suppression system.

Lancaster

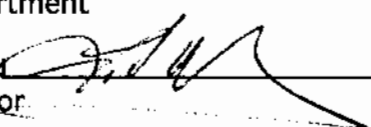
DON R. THOMAS - COUNTY ENGINEER

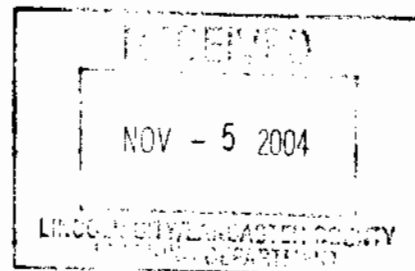
County

Engineering

Department

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: November 4, 2004
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: SPECIAL PERMIT #04059



Upon review, this office has no objections subject to the current access
only be allowed.

LVW/cm